

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIK ESTRADA HAYNES,

Plaintiff,

v.

Commissioner BRIAN OWENS, *et al.*,

Defendants.

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CASE NO. 5:13-CV-339-MTT-MSH
42 U.S.C. § 1983

ORDER

Pending before the Court are Plaintiff's motion to appoint counsel (ECF No. 16) and motion for an extension of time to file a response to Defendants' motion to dismiss Plaintiff's order to show cause (ECF No. 17). Pursuant to 28 U.S.C. § 1915(e)(1), "[a] district court has discretionary authority . . . to appoint counsel for an indigent defendant in civil cases." *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989). When deciding to appoint counsel, the court must consider the legal and factual complexity of the plaintiff's case. *Id.* Generally, no right to counsel exists in § 1983 actions; appointment of counsel is a privilege justified only by "exceptional circumstances." *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985). No exceptional circumstances justifying appointment of counsel are found in this action. Accordingly, Plaintiff's motion to appoint counsel is DENIED.

In Plaintiff's motion for an extension of time, Plaintiff requests extra time until counsel is appointed. Since the appointment of counsel is herein denied, Plaintiff's extension for this purpose is moot. However, in the interests of justice, the Court hereby grants Plaintiff thirty (30) days from the date of this Order in which to file a response to both

of Defendants' pending motions: Motion to dismiss complaint (ECF No. 12), and Motion to dismiss Plaintiff's order to show cause (ECF No. 13).

SO ORDERED, this 12th day of December, 2013.

/s/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE